IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10857 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NASIMBANU MOHAMMAD SALIM KAPADIA

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR CB DASTOOR for Petitioner

MR ANANT S DAVE for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 12/12/2000

ORAL JUDGEMENT

1. Heard learned counsel Mre. C.B. Dastoor for the petitioner and Mr. Anant Dave, learned Addl. CGSC for respondents. Rule. Mr. Anant Dave waives service of

rule on behalf of the respondents.

2. It is submitted by learned counsel for the petitioner that the petitioner obtained one international passport bearing No. A 8199002 issued on 16-9-1999 by respondent No.1. In the said passport the date of birth of the petitioner was erroneously recorded as 10-12-1958 instead of 10-12-1954. It is submitted by learned counsel that in the application form for the passport the petitioner erroneously written her date of birth as 10-12-1958 by oversight. Learned counsel has shown the copy of the school certificate at Annexure-A issued by D.D. High School for Girls, Navsari. He has also drawn my attention to the birth certificate issued by Registrar of Birth & Death issued by Bilimora Nagarpalika. In the birth certificate issued by the school authority as well as the Nagarpalika, the date of birth of the petitioner has been recorded as 10-12-1954. It is therefore clear that, because of the wrong information about date of birth given by petitioner in the application form for passport, incorrect date of birth has been recorded in the passport as 10-12-1958. Learned counsel for the petitioner therefore submitted that, in accordance with the school leaving certificate and the birth certificate issued by the local authority, the date of birth is required to be recorded in the passport issued by the respondent authority - Regional Passport Officer, Ahmedabad.

3. Mr. Anant Dave, learned Addl. CGSC, appearing on behalf of the respondents submitted that if the error in the passport is genuine the petitioner may submit relevant documents before the respondent authority, who may consider the same and if necessary carry out the correction in the passport issued to the petitioner. Having regard to the school certificate and the birth certificate issued by the Bilimora Nagarpalika, I am of the view that the date of birth of the petitioner requires to be corrected in the passport issued to the petitioner. The petitioner is accordingly directed to produce the original school leaving certificate and birth certificate issued by Bilimora Nagarpalika to the respondent- Regional Passport Officer, Ahmedabad. On production of such documents, the respondent Regional Passport Officer, Ahmedabad is directed to consider the correction of the date of birth of the petitioner in the passport in accordance with the documents produced by the petitioner. If such correction is made by the respondent authority, in that event, the petitioner shall pay cost of Rs.1,500-00 to the respondent office. With the aforesaid observation and direction the petition is

disposed of. Rule made absolute to the aforesaid extent.
Direct service permitted.

Dt: 12-12-2000

(P.K. Sarkar, J)

/vgn.